

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Personnel Administration

Type of Rule XX Legislative _____ Interpretive _____ Procedural

Agency State College System of West Virginia Board of Directors

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR			
	Increase	Decrease	Current	Next	Thereafter	
Estimated Total Cost	\$	\$	\$	\$	\$	
Personal Services	\$21 million after 3 yrs.*			FY 1994-95 \$7 million	FY 1995-96 \$7 million	
Current Expense						
Repairs and Alterations						FY 1996-97 \$7 million
Equipment						
Other						

*Series 62 provides for an implementation which is phased in over a three-year period. Each year, an additional \$7 million would be needed. A total of \$21 million would be needed at the end of 3 years. These figures are for all of higher education, the University System and the State College System.

2. Explanation of above estimates

In order to fully fund the Classified Staff pay schedule included in Series 62, an additional \$21,000,000 of State funds would be needed. The total cost would be \$27,000,000 for all classified staff employed by Higher Education, including those paid from other than State funds such as federal funds or special accounts such as dormitories and other self-funded auxiliary enterprises. These estimates were calculated by William Mercer Inc, the firm hired to develop the classified staff study. These figures are for all of higher education, the University System and the State College System.

3. Objectives of these rules

To conform with §18B-9-4 of the West Virginia State Code which mandated a uniform and equitable system of classification for both systems of higher education.

4. Explanation of Overall Economic Impact of Proposed Rule

A. Economic Impact on State Government

\$7 million each year for 3 years, for a total of \$21 million after full implementation in 3 years for all of higher education, the University System and the State College System

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Other auxiliary enterprises in higher education that hire classified staff will pay and additional \$6 million in salaries. This will be for people who are on federal grants or who work in food service, dormitories and other self-funded enterprises.

C. Economic Impact on Citizens/Public at Large

Date: 9/15/93

Marie Carter

Signature of Agency Head or Authorized Representative

**TITLE 131
LEGISLATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 62**

Implementation of the new classification program for higher education requires revisions to Series 62 of the State College System Rules. Other changes are needed to this rule for purposes of clarification and updating of personnel policies for the State College System.

In reviewing the existing rule, it was determined that significant reorganization of the format would make it more understandable. Because of the extensive changes, underlines and strike-throughs are not used. The Board of Regents version of Series 62, which is in effect until the final filing of the new version, was filed in 1987.

Most of the changes in this policy are for clarification purposes in order to implement the new classification program. Substantive changes include the addition of the salary schedule and implementation strategy, provisions related to reduction in force, establishment of a systems-wide committee to assist with auditing and changes in the classification program in order to keep it current, and changes brought about by the passage of Senate Bill 377. Section 26, which deals with the salary schedule and implementation strategy, was still under development when the agenda books were prepared, so it will be forwarded under separate cover prior to the Board meeting.

Also, the proposed rule includes the definitions of types of employees which are now in Series 51. Therefore, Series 51 will need to be rescinded upon approval of Series 62.

FILED

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TITLE 131
LEGISLATIVE RULE
STATE COLLEGE SYSTEM OF WEST VIRGINIA
BOARD OF DIRECTORS
SERIES 62

TITLE: PERSONNEL ADMINISTRATION

SECTION 1. GENERAL

- 1.1 Scope - This rule establishes policy in a number of areas regarding personnel administration for the State College System of West Virginia.
- 1.2 Authority - West Virginia Code §18B-1-6, §18B-1-8, §18B-9-4.
- 1.3 Filing Date -
- 1.4 Effective Date -

SECTION 2. DEFINITIONS

- 2.1 This subsection defines the different types of employment that institutions may use and the status under the classification program and for benefits.
- 2.1.1 Full-Time Regular Employee (FTR). Any employee in a classified position created to last a minimum of nine months of a twelve month period and in which such employee is expected to work no less than 1,040 hours during said period. The full-time equivalent (FTE) of such a position must be reported at no less than .53 FTE. Such an employee is covered under the classification program set out by this rule and is eligible for all applicable benefits of a full-time regular classified employee, subject to the qualifying conditions of each benefit. Such benefits shall be prorated in relation to a 1.00 FTE. Length of service as a full-time regular employee with the State of West Virginia shall be credited toward initial placement on the salary schedule implemented by this rule.
- 2.1.2 Part-Time Regular Employee (PTR). An employee in a position created to last less than 1,040 hours during a twelve-month period. An employee in a PTR position is not eligible for benefits, but is covered under the classification program.

- 2.1.3 Temporary Employee. An employee hired into a position expected to last fewer than nine months of a twelve month period regardless of hours worked per week. A temporary employee is not eligible for benefits, but is covered by the classification program.
- 2.1.4 Casual Employee. An employee in a position created to meet specific operational needs at an institution for no more than thirty (30) consecutive work days. Casual employees are not eligible for benefits and are not covered by the classification program.
- 2.1.5 Student Employee. An employee enrolled at the institution as a student and whose primary purpose for being at the institution is to obtain an education. A student employee is not eligible for benefits and is not covered by the classification program.
- 2.1.6 Full-Time Faculty - Employment as a faculty member for a full academic year (at least a nine-month contract basis) for at least six (6) semester credit hours teaching per semester or the equivalent in teaching, research, public service, and/or administrative responsibilities. Faculty are not considered classified employees or subject to the classification program.
- 2.1.7 Non-Classified Employee. An employee who is responsible for institutional policy formation or reports directly to the president of the institution. Non-classified employees are not subject to the classification program but are eligible for benefits.
- 2.1.8 Change In Status. The president or his/her designee, will review and make a final determination as to the status or change in status of any employee under this subsection. When the president or his/her designee determines that a part-time regular employee, becomes a full-time regular employee, he/she shall credit that employee's previous service toward any calculation of length of service for purposes of this rule and benefit eligibility based upon a prorated comparison against a 1.00 FTE. Previous length of service as temporary, casual, and student employees shall not be credited toward seniority calculations under other sections of this rule or statute, unless specifically authorized.
- 2.2 Position. A set of duties and responsibilities performed by a specific employee at a particular institution.
- 2.3 Job. A collection of duties and responsibilities performed by one or more employees at one or more institutions whose work is of the same nature and which requires the same skill and responsibility level. For jobs occupied by only one employee, the terms "position" and "job" shall be considered the same.

- 2.4 Job Title. The label that uniquely identifies and generally describes a job. The same descriptive job title shall be given to a group of jobs, regardless of institutional location, which are substantially the same in duties and responsibilities, and which require substantially the same knowledge, skills and abilities performed under similar working conditions.
- 2.5 Position description form. The document which describes the set of essential and non-essential functions of a position at a particular institution.
- 2.6 Generic Job description. A summary of the essential functions of a job, including the general nature of the work performed, a characteristic listing of duties and responsibilities, and the specifications necessary to perform the work. Generic job descriptions shall be prepared for systems-wide and institution-specific titles occupied by more than one employee. For a job occupied by only one employee, the position description becomes the job description.
- 2.7 Pay Grade. A range of compensation values for a job defined by a series of step values. Positions which occupy the same job title shall be assigned to the same pay grade. Job titles having similar factor levels, shall be classified within the same pay grade.
- 2.8 Promotion. Movement from a position requiring a certain level of skill, effort and authority to a vacant or newly created position assigned to a different job title and higher pay grade requiring a greater degree of skill, effort, and authority.
- 2.9 Interim Responsibilities. A significant change in duties and responsibilities of an employee on a temporary basis justifying an interim promotion or upgrade for salary purposes. Such a temporary reassignment shall be for no less than four (4) consecutive weeks and no more than twelve (12) consecutive months and shall only occur when the responsibilities being undertaken by the employee are those of another position that is vacant because of the incumbent's illness or resignation or because of temporary sufficient change in the duties and responsibilities of a filled position. If the temporary reassignment of responsibilities meets the test for a temporary upgrade or promotion under this rule, the affected employee shall have his/her base salary adjusted upwards consistent with a promotion or upgrade under this rule. At the end of the temporary reassignment the affected employee shall have his/her salary reduced to its original level.
- 2.10 Upgrade. An advancement of the employee's current position to a higher pay grade as a result of a significant change in the position's existing duties and responsibilities. When a position is upgraded, the employee does not move to a different position in a higher pay grade. Rather, it is the employee's position that is moved to a higher pay grade because of a significant increase in the position's existing responsibilities, as determined by job evaluation. When an

upgrade occurs to an employee occupying a title held by more than one individual, the position's current title shall be changed to a different title in the higher pay grade. When an upgrade occurs to an employee occupying a title exclusively assigned to that position, the current title may or may not be revised depending upon how relevant the current title describes the position.

- 2.11 Demotion. Movement from a position requiring a certain level of skill, effort and responsibility to a vacant or newly created position assigned to a different job title and lower pay grade requiring a significantly lesser degree of skill, effort and responsibility.
- 2.12 Downgrade. A reassignment of the employee's current position to a job title assigned to a lower pay grade as a result of a significant reduction in the existing position's duties and responsibilities. When a position is downgraded, the employee does not move to a different position in a lower pay grade. Rather, it is the employee's position that is moved to a lower pay grade because of a significant decrease in the position's existing responsibilities as determined by job evaluation. When a downgrade occurs to an employee occupying a title held by more than one individual, the position's current title will be changed to a different title in the lower pay grade. When a downgrade occurs to an employee occupying a title exclusively assigned to that position, the current title may or may not be revised depending upon how relevant the current title describes the position.
- 2.13 Transfer. Movement from one position or job title to another position or job title requiring the same degree of skill, effort and authority. Both positions are in the same pay grade.
- 2.14 Base salary. The amount of salary paid annually to an employee, excluding any annual increment earned pursuant to W.Va. Code §18B-9-5 of §5-5-2. Total salary is base salary plus any increment earned.
- 2.15 Base salary adjustment. The amount that a base salary increases within the pay grade to reward performance, to rectify inequities, or to accommodate competitive market conditions.
- 2.16 Longevity. The total number of years employed at state institutions of higher education and other agencies of state government in West Virginia for purposes of determining placement on the salary schedule at time of implementation of the classification program authorized by this rule.
- 2.17 Institution. The following are each considered separate institutions - West Virginia University, Potomac State College of West Virginia University, West Virginia University at Parkersburg, Marshall University, West Virginia Graduate

College, West Virginia School of Osteopathic Medicine, Bluefield State College, Concord College, Fairmont State College, Glenville State College, Shepherd College, West Liberty State College, West Virginia Institute of Technology, West Virginia State College, Southern West Virginia Community College, West Virginia Northern Community College, the offices of each of the chancellors, the central office of the governing boards, and the West Virginia Network for Educational Telecomputing.

- 2.18 President. In addition to the sixteen (16) college and university presidents, this term shall be used in this rule to also refer to the senior administrator of the central office and the director of the West Virginia network for educational telecomputing and the chancellors for those individuals employed in the offices of the chancellors.
- 2.19 Chancellors. The chancellor of the State College System of WV and the chancellor of the University System of WV.
- 2.20 Salary schedule. The schedule set out in this rule consisting of a series of pay grades, each of which contains an equity step for initial implementation of the program under this rule and fifteen (15) additional steps within each pay grade.
- 2.21 Recall. An employee terminated under the provisions of §18B-7-1 and recalled to work at his/her previous institution under the same provisions. Salary for a recalled employee will be consistent with the entry rates described in the reduction in force section of this rule.
- 2.22 Rehire. An employee who leaves the service (resignation) of an institution and later applies for and accepts a position at the same institution. Salary for a rehired employee will be consistent with the entry rates described in the rule.
- 2.23 FTE. Full time equivalency as stated on the expenditure schedule as 1.00.
- 2.24 Classified Employee. An employee who is covered by the provisions of the classification program outlined in this rule.
- 2.25 Exempt. Employees not covered by the Fair Labor Standards Act (FLSA) for overtime purposes.
- 2.26 Non-Exempt. An employee who is entitled to overtime benefits as outlined in federal and state law.
- 2.27 Factor. One of the thirteen (13) items use to evaluate jobs. The items are knowledge, experience, complexity and problem solving, freedom of action, breadth of responsibility, scope and effect, intrasystems contacts, external

contacts, direct supervision exercised, indirect supervision exercised, working conditions, physical coordination, and physical demands.

- 2.28 Point factor methodology: The instrument used to assign weights to the factors. The total of the weights determines the pay grade to which a job title is assigned.
- 2.29 Bumping. Displacing an employee with less seniority in the same or lower pay grade, who holds a position for which the bumping employee is qualified, and which position the institution decides another employee may be "bumped" from consistent with this rule.
- 2.30 Job Family. A series of job titles in an occupational area or group.

SECTION 3. COMPENSATION REVIEW COMMITTEE

- 3.1 The compensation review committee shall be responsible for annually reviewing the salary schedule and recommending revisions based on existing economic, budgetary, and financial conditions to the chancellors, who will make a final proposal to the governing boards. The composition of the compensation review committee shall consist of the central office human resources director, the central office finance director, the chair or chair's designee from each state wide advisory council of classified employees, four human resource administrators from the University System (which shall be deemed to include West Virginia network for educational telecomputing) , three human resource administrators from the State College System, and a president from each of the two systems. The human resource administrators and presidents shall be appointed by the appropriate chancellor and shall serve staggered terms of two years.
- 3.2 Recommendations of the compensation review committee approved by the governing boards are subject to the availability of funds and shall only be implemented when new funds are specifically appropriated by the Legislature for funding of the salary schedule.

SECTION 4. COMPENSATION; PAY CALCULATIONS

- 4.1 Base salary is calculated on a thirty-seven and one-half (37 1/2) hour workweek.
- 4.2 When base salary increases are calculated and rounding is involved, the policy is to round up to the nearest even dollar amount.
- 4.3 Overtime pay for nonexempt employees is calculated at the rate of one and one-half (1 1/2) times the regular hourly rate, which is the total base salary, plus any incremental pay, divided by 1,950 hours. Overtime does not commence until forty (40) hours have actually been worked within one (1) workweek. Regular

hourly pay, also known as "straight time," is paid for work time between thirty-seven and one-half (37 1/2) hours and forty (40) hours in a work week.

- 4.4 Only actual hours worked are included in calculating overtime. Pay which is received for holidays, annual leave, sick leave, or work release time, as authorized by Series 35, is not counted as working hours for purposes of overtime.
- 4.5 Annual leave, sick leave and longevity do not accumulate in any part of a month for which an employee is off the payroll on a leave without pay or during a terminal leave period. A terminal leave period is that time between the employee's last day of work and his/her last day on the payroll.

SECTION 5. COMPENSATORY AND HOLIDAY PREMIUM TIME OFF

- 5.1 Compensatory time off shall be allowed only to the extent authorized by federal and state law.
- 5.2 When a full-time or part-time classified non-exempt employee is required to work on any designated board or institution holiday, that employee at his/her option shall receive regular pay for that holiday plus substitute time off or additional pay at the rate of one and one-half (1 1/2) times the number of hours actually worked. The time off must be used within a six-month period following the holiday.
- 5.3 When an exempt employee is required to work on any designated board or institution holiday, that employee shall be given substitute time off on an hour-for-hour worked basis.

SECTION 6. WORKWEEK

- 6.1 The workweek is a regularly recurring period of one hundred sixty-eight (168) hours in the form of seven (7) consecutive twenty-four (24) hour periods. It begins at 12:00 a.m. (midnight) on Sunday and ends at 12:00 p.m. (midnight) the following Saturday. The institutional president or the president's designee may establish a workweek different from this provided that recordkeeping requirements are met as set forth in relevant law. A work schedule of thirty-seven and one-half (37 1/2) hours will be established within a workweek.

SECTION 7. APPOINTMENT

- 7.1 A classified employee appointment letter shall be completed for each classified employee at the time of initial employment.

SECTION 8 ACCESS TO PERSONNEL FILE

- 8.1 An employee may have access to his/her personnel file when the employing institution is normally open for business. The official file for the employee shall be maintained in the institution's human resources office or as otherwise designated by the institution's president. An employee may examine his/her own file and the contents therein except for materials which were gathered with the employee's prior agreement to forfeit his/her right of access, such as references or management information such as copies of tests and interview notes.
- 8.2 A representative of the custodian of the records shall be present with the employee during the review. The date, time and location of each review shall be recorded in the personnel file. The employer may require that the employee schedule an appointment to see the personnel file.
- 8.3 A copy of any material in the personnel file, except as noted above, shall be provided to an employee upon request. A reasonable copying fee may be charged. Positive identification of the employee must be established prior to providing access to the personnel file. Documentation may not be removed from a personnel file by the employee. An employee may petition through the appropriate administrative office at any time for either the removal or addition of documents to his/her own personnel file. Letters, memoranda, etc. related to current or previous disciplinary actions are not subject to removal by petition and shall only be removed upon order of a court or proper administrative body or by the president of the institution.

SECTION 9. CHANGES IN NAME, ADDRESS, NUMBER OF DEPENDENTS AND RELATED MATTERS

- 9.1 It is the exclusive responsibility of each employee to notify all appropriate persons, agencies and parties when record changes occur, including emergency information. This must be done in writing and a copy of such notification will be placed in the employee's personnel file as a permanent record that he/she notified appropriate persons, agencies and parties.

SECTION 10 CLASSIFICATION REVIEW REQUEST

- 10.1 When significant changes occur in the principal duties and responsibilities of a classified position, it is the responsibility of the supervisor to recommend through established procedures that the position be reviewed. Requests for position reviews also may be initiated by an employee after discussion with the immediate supervisor. Within ninety (90) days from the date of request for review of a job, the department of human resources shall report to the requestor, in writing, whether the request has been denied or approved. The immediate supervisor

must prepare a complete and accurate position description form of the duties of the position, but the description may be written by the employee at the supervisor's request. The responsibility for assigning tasks and duties to a position belongs to the supervisor. It is the supervisor's responsibility to document and submit the position description form for classification review when significant changes occur in the principal duties and responsibilities of a position. It is also the responsibility of a supervisor to ensure completion of required forms. The institutional president or the president's designee may also initiate action to review positions. The institutional president or the president's designee has authority on the campus to make classification determinations for institution-specific titles or the slotting of employees under existing systems-wide titles. The president may delegate authority to the human resource administrator for day to day management of the classification program. Management of the program requires adherence to written rules which ensure a uniform system of personnel classification. All classified positions shall be placed on the salary schedule promulgated by the governing boards.

- 10.2 A position description form shall exist for every classified position. It shall be reviewed by the supervisor and/or the president or the president's designee on a formal basis at least every three years as part of the position audit procedures established by each institution. The date of each review shall be recorded on the description.

SECTION 11. JOB EVALUATION PROCESS

- 11.1 The review of individual positions occupying systems-wide titles shall be carried out by the institution's president or president's designee provided that the action involves the reclassification or the reslotting of the employee into an existing systems-wide title.
- 11.2 The review of institution-specific job titles, as well as the reslotting of employees into an existing institution-specific title, shall be carried out by the president or the president's designee of each respective institution.
- 11.3 If an institution initiates an action to establish a job which exists exclusively at another institution, the institution's president or the president's designee shall submit a request for the use of the title to the chancellors or the chancellors' designee. A review shall then be conducted, a determination made, and notification given to the institution's president or the president's designee as to whether the request is approved or denied. If a request is denied, reasons for the denial will be provided to the president or president's designee. Once two or more institutions utilize a job title, that title shall automatically become a systems-wide title.

- 11.4 All actions taken by a president or president's designee under this section are subject to audits and reviews by the job evaluation committee.
- 11.5 On-going responsibility for overseeing and administering the job evaluation program and ensuring that it is administered equitably and uniformly across the institutions rests with the chancellors or the chancellors' designee. The evaluation of all systems-wide job titles and the review of classification decisions across the system shall be under the purview of the job evaluation committee. The composition of the job evaluation committee shall consist of nine human resource representatives and two classified staff representatives. Of the nine human resource representatives, one shall be from the central office and shall serve as chair, four shall be from the University System (which shall be deemed to include West Virginia network for educational telecomputing), and four shall be from the State College System. The nine human resource representatives shall be appointed by the appropriate chancellors to staggered terms of no more than two years. The classified staff representatives shall consist of one from each system and shall be appointed by the appropriate chair of the statewide advisory council of classified employees to be staggered terms of no more than two years.
- 11.6 The job evaluation committee shall be convened by its chair at least quarterly, or more often if deemed necessary, to review classification decisions made or those being proposed by the institutions. To ensure the integrity of the program, random and/or complete reviews of classification decisions made or proposed by the institutions shall be conducted by the committee. Each institution shall be responsible, however, for submitting to the central office on a monthly basis, a computer diskette of any classification decisions actualized, along with appropriate documentation where requested by the committee. The chancellors or the chancellors' designee shall review the classification actions of each institution for appropriateness and consistency of application. Pending this review, the job evaluation committee shall be convened as needed to review only those actions regarded as potentially out of conformance with the compensation and classification program. The committee shall subsequently provide a report to the appropriate governing board concerning its findings relative to each institutional review. In those cases where the committee finds an institutional classification decision to be in error, the committee shall recommend to the chancellor or chancellors designee whether the pay grade assignment should be changed to the appropriate level.
- 11.6.1 Salary reversals shall be made in accordance with the procedures for upgrades and downgrades specified in this rule. During the course of its reviews, should the job evaluation committee discover the systematic misapplication of the program by an institution or institutions, it shall notify the chancellors, who will take the appropriate action warranted. Whenever the chancellors or their designee find that employees have been

misclassified at the institutional level, they shall order that these classifications and salaries be immediately adjusted to the proper level. Absent fraud on the behalf of the employee, any overpayment to the employee because of an erroneous classification decision by an institution shall not be collected from the employee. However, any erroneous overpayment to such an employee, once corrected, shall not be deemed as evidence in claims by other employees that the classification and compensation program is not equitable or uniform.

SECTION 12. ENTRY RATES

- 12.1 The entry rate of a classified position is the published minimum rate of pay associated with each pay grade. No covered employee shall be appointed below the established minimum of the pay grade to which the position is assigned.
- 12.2 Offers of employment at rates which exceed the entry rate are invalid unless the policy for exceptions is followed. Criteria to consider in determining whether exceptions shall be made shall include the following:
 - 12.2.1 Qualifications of the candidate;
 - 12.2.2 Number of applicants for a position;
 - 12.2.3 Number of interviews;
 - 12.2.4 Number of qualified applicants identified;
 - 12.2.5 Number of offers of employment;
 - 12.2.6 Length of the recruiting campaign;
 - 12.2.7 Cost of the recruiting campaign;
 - 12.2.8 Length of time the position was vacant;
 - 12.2.9 Urgency to fill the position;
 - 12.2.10 Market conditions for that job;
 - 12.2.11 The rationale underlying the difference between the entry rate and the base salary the institution wants to offer; and,
 - 12.2.12 Compression problems relative to other employees within the job title who possess similar qualifications.

12.3 When employment above the entry rate occurs, the institution shall provide justification based on the appropriate and applicable criteria from the above list.

12.4 Offers for employment above the entry rate of the respective pay range shall be determined by each institution based on the above criteria. Requests for hiring exceptions shall be submitted by the requesting supervisor to the human resources department for review and approval by the president or president's designee, and shall not be made until approved by the appropriate chancellor or chancellor's designee. Offers of employment above the entry rate shall not be made until all the above approvals have been granted.

SECTION 13. PAY ABOVE THE MAXIMUM

13.1 When there is a systems-wide mandated salary increase, those employees already at or above the maximum of the salary schedule for their pay grade shall only receive a salary increase consistent with this section. If the systems-wide increase is on a percentage or across the board basis, those employees shall receive an increase of one-half the percentage or across the board increase received by the employee in their pay grade receiving the smallest increase.

SECTION 14. PROMOTION

14.1 Promotions result from an employee moving from his/her current position to a vacant or newly created position assigned to a different job title and higher pay grade and which requires a significantly greater degree of skill, effort and responsibility than that of the employee's current position.

14.2 Upon promotion from a position in one pay grade to a different position in a higher pay grade, the employee will receive an increase of five percent (5%) per pay grade rounded to the nearest step in the new pay grade based upon the employee's base salary, or the entry rate of the new pay grade, whichever is greater. However, under adverse recruiting conditions in which an institution experiences great difficulty in filling a position, an increase which brings the employee up to a point no greater than the maximum of the grade may be given. Promotional increases which exceed the standard formula must meet the same criteria which appears in the section on entry rates of this rule and must be approved in accordance with the process outlined in that section. The new base salary may not exceed the maximum of the new pay grade.

SECTION 15. UPGRADE

- 15.1 Upgrades result from the process of job evaluation where a determination is made that a significantly higher level of skill, effort, and responsibility exists in the employee's current position. A new pay grade value shall then be established based on the application of the job evaluation plan and the calculation of a revised total point value for the position. Upon determination of the pay grade, job descriptions shall be reviewed of other titles having the same pay grade and whose duties, responsibilities and requirements closely match the work of the position as it is now described. The position shall then be slotted into the classification whose grade is consistent with the point value calculated and whose duties and requirements most appropriately characterize the position. For unique and specialized positions where no current job title exists at the needed grade, the creation of a new title shall be established so that the position is properly classified and graded within the system. This work must be done by the human resource administrator or the human resource administrator's designee.
- 15.2 When an employee occupies a position at the time that a position upgrade is to be placed into effect, the method of calculating the employee's base salary increase is the same as that specified for a promotion. In the absence of funds to support an upgrade, work at the higher level shall not be performed.

SECTION 16. DEMOTION

- 16.1 Demotions result from an employee moving from his/her current position to a vacant or newly created position assigned to a different job title and lower pay grade, and which requires a significantly lesser degree of skill, effort and responsibility than that of the employee's current position.
- 16.2 Upon demotion, the employee's base salary is decreased five percent (5%) per pay grade rounded to the nearest step in the new pay grade.

SECTION 17. DOWNGRADE

- 17.1 Downgrades result from the process of job evaluation where a determination is made that a significantly lower level of skill, effort and responsibility exists in the employee's current position. A new pay grade shall then be established based on the application of the job evaluation plan and the calculation of a revised total point value for the position. Upon determination of the pay grade, job descriptions shall be reviewed of the other titles having the same pay grade and whose duties, responsibilities and requirements closely match the work of the position as it is now described. The position shall then be slotted into the classification whose grade is consistent with the point value calculated and whose duties and requirements most appropriately characterize the position. For unique

and specialized positions where no current titles exist at the needed grade, the creation of a new title shall be established so that the position can be properly classified and graded within the system. This work must be done by the human resource administrator or the human resource administrator's designee.

- 17.2 The method of calculating the employee's new base salary after a downgrade is the same as that specified for a demotion.

SECTION 18. TRANSFER

- 18.1 No change of base salary as a function of a transfer may occur.

SECTION 19. REVIEWS AND APPEALS

- 19.1 An employee may seek a review of his/her initial classification under the new program implemented pursuant to this rule and may appeal such initial classification through the procedures of W.Va. Code §18-29. Such review or appeal shall be governed by the provisions of this rule and to the extent these provisions are inconsistent with W.Va. Code §18B-9-7, that code provision is deemed null and void.
- 19.2 An employee may seek a review of his/her initial classification, job title or pay grade by filing a request for review form within fifteen (15) work days of formal notification of their title and pay grade under the new program and prior to the January 1, 1994, effective date. Request for review forms shall be available at each institution and shall be in a form prescribed by the governing boards.
- 19.3 The request for review form shall be filed with the president or president's designee for this purpose, and that individual shall forward copies to the employee's immediate supervisor and appropriate dean, department head or director for comment. Those individuals shall return their comments to the president or president's designee within five (5) work days of receipt.
- 19.4 The president or president's designee shall make a recommendation to the job evaluation committee regarding the request for review within five (5) days of receipt of all required comments and shall notify the employee of such recommendation.
- 19.5 Upon receipt of the institutional recommendation, the employee may file supplemental information with the job evaluation committee within ten (10) days. The job evaluation committee shall make a final determination regarding the request for review based solely upon the documentation provided above and any other material or information it may seek from the institution or employee.

- 19.6 Each institution shall make available for examination to all employees the position description forms, job descriptions, and other materials used in making the initial classifications under this program.
- 19.7 Following the effective date of the implementation of the classification program by this rule, an employee may grieve his/her initial classification under this program, including the job or position description and assignment to pay grade or salary schedule, within thirty (30) work days from said effective date, by filing a grievance pursuant to the procedures of W.Va. Code §18-29. Any employee not filing a grievance under the provisions of this rule within those thirty (30) work days shall be deemed to be equitably and uniformly classified and compensated for the purposes of Article 9, Chapter 18B of the state code and shall also be deemed to have expressly waived his/her right to grieve such initial classification, absent intervening and countervailing circumstances that effect that initial classification.
- 19.8 An immediate supervisor or president of an institution does not have the authority to change the initial classification of an employee under the new program and does not have the authority to grant any such relief requested in a grievance relating to such initial classification. The governing boards are hereby designated as the lowest level at which such relief may be granted and employees seeking to appeal their initial classification under the provisions of W.Va. Code §18B-9 shall file any such grievance at that level. When filing such a grievance with the appropriate governing board, an employee shall expressly state whether or not he/she agrees to an extension of the statutory period for a hearing before the governing board.

SECTION 20. REDUCTIONS IN WORK FORCE

- 20.1 The provisions of this section shall govern layoffs, temporary furloughs, and abolition of positions of full-time regular classified employees.
- 20.2 Institution-wide reductions-in-force based upon reasons of financial exigency effecting the entire institution may be implemented only upon a determination of financial exigency by the governing board and under procedures that may be established for such institution-wide reductions-in-force.
- 20.3 Layoffs, furloughs, or terminations based upon elimination of funding for particular positions, abolition of positions due to organizational restructuring, or lack of work are not considered reductions-in-force based upon financial exigency and may be effectuated at the institutional level, consistent with the provisions of this section and W.Va. Code §18B-7-1.

- 20.4 If, due to institutional restructuring or lack of work, a decision is made to eliminate the number of workers in a certain job title, the institution shall lay off the employee with the least amount of seniority holding that job title.
- 20.5 When an institution contemplates the elimination of a position or reduction of number of workers holding a certain job title which will result in the displacement of a particular employee, the institution shall notify that potentially displaced employee at least thirty (30) days before the contemplated action. At the time of notification, the institution shall notify the employee as to which position, if any, the employee may "bump" into.
- 20.6 When the institution notifies the potentially displaced employee under this section, it shall identify the position or positions into which the displaced employee may "bump." The institution shall determine the position in each pay grade equal to or lower than that held by the potentially displaced employee for which the employee meets the minimum qualifications and which is presently filled by an employee with the lowest seniority in that pay grade. The institution will place the employee to be laid off in the identified position with the least seniority.
- 20.7 A displaced employee under this section shall retain the salary of his/her old position when they "bump" into a position in the same pay grade, they previously occupied. However, if an employee "bumps" into a lower pay grade, the salary in the new position will be computed as if it were a demotion or downgrade under this rule.
- 20.8 An employee notified of his/her potential displacement under this section must indicate if they accept the "bump" into the identified position within fifteen (15) days of notification by the institution of the available position. After such time period, the employee will have no further rights to bump and will be placed on the recall list as set out below.
- 20.9 Any employee displaced under this rule by another employee "bumping" into his/her position shall have the same rights to "bump" another employee consistent with this rule. However, any such employee "bumped" by another employee shall only have the right to be notified of the available position into which they can "bump" ten (10) days before they are "bumped". Such a "bumped" employee shall accept the position for which they may "bump" into within five (5) days of notification of the change.
- 20.10 Determination of seniority under this section shall be made by the institution and calculated by measuring the affected employee's permanent employment in state institutions of higher education in West Virginia.

- 20.11 If two or more employees are determined to have equal seniority for the purposes of this section, the involved employees shall agree to a random selection system to determine seniority ranking. However, if the affected employees cannot agree to a random selection system, the institution shall choose and impose such a random selection system.
- 20.12 If an employee notified of potential displacement under this section does not choose to bump another employee, they shall be placed upon a recall list with any other employees displaced by a reduction-in-force or layoff and shall have equal recall rights under this rule.
- 20.13 Any employee removed from the payroll under this rule shall be placed on a recall list maintained by his/her institution. The institution shall notify former employees on the recall list, by certified mail, of any position openings, whether temporary or permanent, that may occur within one calendar year of the former employee's separation of employment with the institution or renewal of the employee's listing on the recall list.
- 20.14 Before filling any permanent or temporary position, institutions shall allow any former employee on a current recall list, if qualified, to fill the vacant position if that position is in the same pay grade or lower than the position the employee previously occupied. If more than one former employee on the recall list qualifies for the opening, it shall be offered to the employee with the most seniority, as calculated under this section, at the time of his/her application for the vacant position.
- 20.15 A former employee's listing on a recall list under this rule shall remain active for one calendar year from the date of termination or any request for renewal within such calendar year. Any request for a renewal must be made in writing within one calendar year of termination or within one calendar year of renewal. It shall be the duty of any individual on a recall list to notify the institution of any change of address. Failure to notify the institution of such change of address will extinguish any rights under this rule.
- 20.16 An institution may remove any individual from its recall list who has not renewed his/her listing within the year or not notified the institution of a change of address.
- 20.17 If a former employee on a recall list refuses an offer of employment by the institution, the employee shall retain his/her place on the recall list and seniority for such recall rights if compelling reasons required such employee to refuse the offer of reemployment. If the institution finds the former employee's reasons for refusing employment under this section were not compelling, then the former employee may be removed from the recall list maintained by the institution and

forfeits all rights to recall under this section.

- 20.18 Each institution may develop, with the advice and assistance of classified employees, a more extensive policy in relation to "bumping" and recall rights. However, such policies may not be inconsistent with rights granted to classified employees under this rule.

SECTION 21. PART-TIME AND TEMPORARY EMPLOYEES

- 21.1 Institutions shall not hire part-time employees solely to avoid the payment of benefits to full-time employees. Consequently, institutions may only employ individuals into casual or temporary positions when the function of the position requires less than nine (9) consecutive months of employment (regardless of hours worked per week) to equal the full-time equivalency of the position. An institution may not hire more than one employee in a position that would require a single employee to be in a benefits eligible position.
- 21.2 Employees who are employed in less than twelve-month positions and who meet the minimum qualifications of a position shall be provided with an opportunity to accept part-time or full-time summer employment before new persons shall be hired for those positions.

SECTIONS 22. WORK SCHEDULES

- 22.1 Institutions shall be responsible for developing institution specific procedures concerning the use of flexible work schedules, job sharing, and four day work weeks.
- 22.2 Each employee shall be notified of the work schedule for his/her position. Changes in the work schedule such as might occur with overtime or institutional requirements shall be made in consultation with the employee. Where possible, the institution shall provide the employer with a fifteen (15) day notice of the change.

SECTION 23. APPOINTMENT OR PROMOTION

- 23.1 Pursuant to W.Va. Code §18B-7-1, non-exempt employees who meet the minimum qualifications for a non-exempt position within an institution shall be hired into the posted position prior to hiring someone from outside the institution.
- 23.2 Each institution shall develop a policy for the posting of positions internally to provide non-exempt employees adequate time to make application for non-exempt positions.

23.3 Provisions of this section shall not apply to casual and student employees.

SECTION 24. MARKET PREMIUM

- 24.1 When unusual market conditions exist for a specific job, a particular job family or group of related jobs, the establishment of special pay ranges may be warranted so that an institution can recruit and retain competent employees.
- 24.2 The establishment of market premiums shall only be considered in such cases where an institution is experiencing significant recruiting and/or retention problems. Appropriate documentation must be submitted to the appropriate chancellor to justify the establishment of a market premium. Such documentation shall consist of, but not necessarily be limited to, excessive turnover, failure of current pay to attract qualified applicants, and current pay that is well below market average for job(s) as evidenced by survey publication data.
- 24.3 Requests for the establishment of a market premium may be initiated by an institution or a department or unit within an institution. Requests should be sent to the human resources office of the institutions and be approved by the president and forwarded to the compensation review committee. If approved for review, the request shall be forwarded to the chancellors or chancellors' designee, where a determination shall be made to forward the request to the governing boards based on the strength of the evidence provided.
- 24.4 If the request is approved, a bilateral pay line shall be established such that the current pay grade will be increased by a given percentage amount. The market premium pay grade will be assigned the same grade number as the current grade, except that a letter designation shall be added to the grade number for reference purposes. All steps within the current grade shall be adjusted by an equal percentage amount deemed appropriate by the committee for alleviating the market inequity.
- 24.5 The continuation of a market premium beyond twelve months from the date of its establishment is subject to review by the compensation review committee for appropriateness. Where documentation does not warrant the continuance of the bilateral pay line for the job or group of jobs, the market premium shall be removed and the job reassigned to its regular pay grade and range. Incumbents retain the base salary of a market premium when the premium is removed.
- 24.6 Market premiums may be assigned to institution-specific or systems-wide jobs. The process for review and approval shall follow the same sequence. If a market premium is approved for a systems-wide job or jobs, the establishment of the bilateral pay line shall apply to classified employees at all institutions assigned to the systems-wide title(s).

- 24.7 The compensation review committee shall make a recommendation to the chancellors who will forward the recommendation to the governing boards for approval.

SECTION 25. SALARY SCHEDULE AND IMPLEMENTATION STRATEGY

- 25.1 The new compensation and classification program and accompanying pay structure will be implemented on January 1, 1994.
- 25.2 Any classified employee whose current base salary is below the minimum equity step for his/her pay grade on January 1, 1994, will be increased to the minimum equity step.
- 25.3 Beginning on July 1, 1994, no employee shall be paid below step one of his/her respective pay grade. In order to determine the service adjusted target salary for each employee, placement within the pay range shall be based on total years of state service as of June 30, 1994. One step shall be credited within the pay range for each full year of service with the state up to 15 years.
- 25.4 For those employees whose salaries as of January 1, 1994 are below the step that equates to their appropriate years of state service, the difference in salary shall be phased in over a three-year period in accordance with the following schedule if sufficient additional state funds are appropriated from the legislature.
- 25.4.1 If sufficient additional state funds are appropriated, the first salary installment shall be given on July 1, 1994 and will be equal to one-third of the total adjustment or step one of the employee's assigned pay grade, whichever is greater.
- 25.4.2 If sufficient additional state funds are appropriated by the legislature, the second salary installment shall be given on July 1, 1995 and will be equal to one-third of the total installment or, if adjusted to step one on July 1, 1994, shall be equal to one-half of the difference between step one of the employee's assigned pay grade and the employee's service adjusted target salary.
- 25.4.3 If sufficient additional state funds are appropriated by the legislature, the final salary installment shall be given on July 1, 1996 and will be equal to one-third of the total installment or, if adjusted to step one on July 1, 1994, shall be equal to one-half of the difference between step one of the employee's assigned pay grade and the employee's service adjusted target salary.

25.5 Any classified employee who is slotted into the appropriate pay grade for his/her job title and whose base salary is at least the minimum equity step for that pay grade, shall be deemed to be equitably and uniformly compensated in relation to other classified employees within the pay grade for the purposes of Article 9, Chapter 18B of the state code.

**1993 Step Structure
100%
(Divisible by 12)**

Grade No.	Equity Step	Step No. 1	Step No. 2	Step No. 3	Step No. 4	Step No. 5	Step No. 6	Step No. 7	Step No. 8	Step No. 9	Step No. 10	Step No. 11	Step No. 12	Step No. 13	Step No. 14	Step No. 15	Range Spread	Grid-Grid Increment
1	10,092	10,788	11,028	11,268	11,508	11,760	12,012	12,276	12,540	12,804	13,080	13,368	13,656	13,956	14,256	14,568	35.0%	5.4%
2	10,392	11,340	11,592	11,844	12,108	12,372	12,648	12,924	13,212	13,500	13,800	14,112	14,424	14,736	15,072	15,396	35.8%	5.5%
3	10,716	11,928	12,192	12,468	12,756	13,044	13,332	13,632	13,944	14,256	14,580	14,904	15,240	15,588	15,936	16,296	36.7%	5.6%
4	11,040	12,564	12,852	13,140	13,440	13,752	14,076	14,400	14,724	15,060	15,408	15,768	16,128	16,500	16,884	17,268	37.5%	5.8%
5	11,388	13,236	13,548	13,872	14,196	14,520	14,868	15,216	15,576	15,936	16,308	16,692	17,088	17,484	17,892	18,312	38.3%	5.9%
6	11,736	13,968	14,304	14,652	15,000	15,360	15,720	16,104	16,488	16,872	17,280	17,688	18,120	18,552	18,996	19,440	39.2%	5.9%
7	12,396	14,760	15,120	15,492	15,864	16,248	16,644	17,052	17,460	17,892	18,324	18,768	19,224	19,692	20,172	20,664	40.0%	6.1%
8	13,116	15,612	15,996	16,392	16,800	17,220	17,640	18,084	18,528	18,984	19,452	19,932	20,436	20,940	21,456	21,984	40.8%	6.2%
9	13,884	16,524	16,944	17,376	17,808	18,264	18,720	19,188	19,680	20,172	20,676	21,204	21,732	22,284	22,848	23,412	41.7%	6.3%
10	14,712	17,520	17,994	18,432	18,900	19,392	19,884	20,388	20,916	21,456	21,996	22,560	23,148	23,736	24,348	24,972	42.5%	6.4%
11	15,612	18,588	19,080	19,572	20,076	20,604	21,144	21,696	22,260	22,836	23,436	24,036	24,672	25,308	25,968	26,652	43.3%	6.5%
12	16,584	19,752	20,268	20,808	21,360	21,924	22,500	23,100	23,712	24,336	24,984	25,644	26,328	27,024	27,732	28,464	44.2%	6.6%
13	17,640	21,000	21,564	22,140	22,740	23,352	23,976	24,624	25,284	25,968	26,664	27,384	28,116	28,872	29,652	30,444	45.0%	6.8%
14	18,780	22,356	22,988	23,592	24,240	24,900	25,572	26,280	27,000	27,732	28,488	29,268	30,072	30,888	31,728	32,604	45.8%	6.8%
15	20,004	23,820	24,480	25,164	25,860	26,580	27,312	28,088	28,848	29,652	30,468	31,320	32,184	33,072	33,996	34,932	46.7%	7.0%
16	21,348	25,416	26,124	26,868	27,624	28,392	29,196	30,012	30,864	31,728	32,628	33,540	34,488	35,460	36,456	37,488	47.5%	7.1%
17	22,800	27,144	27,912	28,716	29,532	30,372	31,248	32,136	33,048	33,996	34,968	35,964	36,996	38,052	39,132	40,260	48.3%	7.2%
18	24,372	29,016	29,856	30,720	31,608	32,520	33,468	34,440	35,436	36,468	37,524	38,604	39,720	40,872	42,060	43,284	49.2%	7.3%
19	26,088	31,056	31,968	32,904	33,864	34,860	35,892	36,948	38,028	39,144	40,296	41,484	42,696	43,956	45,252	46,572	50.0%	7.5%
20	27,948	33,264	34,260	35,280	36,336	37,416	38,532	39,672	40,860	42,072	43,332	44,616	45,948	47,316	48,732	50,172	50.8%	7.6%
21	29,976	35,676	36,756	37,872	39,012	40,188	41,400	42,648	43,944	45,264	46,632	48,048	49,500	50,988	52,524	54,120	51.7%	7.7%
22	32,184	38,304	39,480	40,692	41,928	43,212	44,544	45,900	47,304	48,756	50,244	51,780	53,364	55,008	56,688	58,416	52.5%	7.8%
23	34,584	41,172	42,456	43,764	45,120	46,524	47,964	49,452	50,988	52,560	54,192	55,872	57,612	59,388	61,236	63,132	53.3%	7.9%
24	37,212	44,304	45,696	47,124	48,612	50,136	51,708	53,328	55,008	56,736	58,512	60,348	62,244	64,200	66,216	68,304	54.2%	8.0%
25	40,080	47,712	49,236	50,796	52,416	54,084	55,800	57,576	59,412	61,296	63,240	65,256	67,332	69,468	71,676	73,956	55.0%	

SECTION 26. MISCELLANEOUS

- 26.1 Pursuant to the authorization contained in West Virginia Code §18B-9-5(c), the following provisions of Article 9, Chapter 18B of the state code are deemed inconsistent with this rule and are ruled null and void.
- 26.1.1 West Virginia Code §18B-9-2(c), (d), (e), (f), (h), (k), (l).
- 26.1.2 West Virginia Code §18B-9-5(c), (d).
- 26.1.4 West Virginia Code §18B-9-6.
- 26.2 Any other rule, regulation, or policy of this board, inconsistent with the provisions of this rule is deemed superseded by the provisions of this rule.

September 2, 1993 (B)

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DEPARTMENT OF EDUCATION AND THE ARTS

Office of the Secretary

State Capitol, Bldg. 1, R-151
Charleston, West Virginia 25305
Telephone: (304) 558-2440
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Gaston Caperton
Governor

Barbara Harmon-Schamberger
Cabinet Secretary

September 15, 1993

The Honorable Ken Hechler
Secretary of State
State of West Virginia
State Capitol Building
Charleston, WV 25305

Dear Secretary Hechler:

As required pursuant to WV Code §5F-2-2, I hereby consent to the promulgation of proposed rules by the Board of Directors of the State College System of West Virginia as follows:

- (1) Title 131, Series 22, amending an existing legislative rule relating to assessment, payment and refund of fees; and
- (2) Title 131, Series 62, amending an existing rule relating to personnel administration. This rule is being filed as an emergency legislative rule.

Copies of the proposed rules are enclosed.

Sincerely,



Barbara Harmon-Schamberger
Secretary

BHS:mc

cc: Dr. Paul Marion
Dr. John Thralls